

REMARKS

In the Office Action mailed October 28, 2008, the Examiner rejected claims 107-109 under 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 102(b). Applicants have canceled claims 107-109 rendering the rejections of these claims moot.

The Examiner also rejected claims 16-22 and 81-106 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2001/0029425 (“Myr”). Applicants have amended independent claims 16, 81, and 88 to distinguish between a base layer comprising map data and a traffic layer that is created “by combining multiple links and nodes of the base layer into a single link with an upstream node and a downstream node.” These amendments are supported at least by Applicants’ Specification paragraphs 99, 100, 110, 111, 116, 148-151, and 170-172; and Figures 15-17. As described in Applicants’ Specification, “[t]he traffic layer 314 of the road system is thus better suited to processing traffic data than the basic link and node model utilized by the base layer 312.” (Applicants’ Specification, paragraph 110.)

Applicants believe that Myr does not show or suggest a traffic layer as claimed. At most, Myr describes a multilevel road information gathering system. (See Myr, Figure 16.) Myr’s only description of Figure 16 is in paragraph 37 (“FIG. 16 shows the multilevel road information gathering system.”) and in paragraph 145 which describes:

When sufficient data have been accumulated for accurate enough estimation of mean (regular empirical) travel times for each individual section in category A and for each class in category B, the CTU is able to provide those regular empirical travel times rather than theoretical travel times TTT (see FIG. 16).

(Myr, paragraph 145.)

Applicants have also amended dependent claims 98, 102, and 106 to indicate that the graphical display shows “at least one of an animated flow display using the flow data and an icon corresponding to the traffic event using the traffic event information.” These amendments are

supported at least by Applicants' Specification paragraphs 21, 22, 240, and 242; and claims 58 and 65 as originally filed. Applicants believe that Myr does not show or suggest a graphical display as claimed. Instead, Myr describes a screen display that includes a map display; text displays for route preference information (start and destination information), shortest time estimate, shortest distance estimate, path recalculation data, user input data, travel information (user input, user query), and traffic information (accident information, accident query, and road closures); and audio/video display for voice commands and channel selection data. (Myr, paragraph 111 and Figure 8)

Applicants have also amended claims 91, 97, 101, and 105 as a result of the amendments to claims 16, 81, and 88.

Claims 17-22 and 95-98 depend from claim 16. Claims 82-87 and 99-102 depend from claim 81. Claims 89-94 and 103-106 depend from claim 88. Accordingly, Applicants also submit that Myr does not anticipate claims 17-22, 82-87, and 89-106 for at least the reasons described above with reference to claims 16, 81, and 88.

In light of the above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102(b).

CONCLUSION

In light of the above amendments and remarks, Applicants submit that the present application is in condition for allowance and respectfully request notice to this effect. The Examiner is requested to contact Applicants' representative below if any questions arise or she may be of assistance to the Examiner.

Respectfully submitted,

Date: February 24, 2009

By: /Lisa M. Schoedel/
Lisa M. Schoedel
Reg. No. 53,564
Patent Counsel

NAVTEQ North America, LLC
425 West Randolph Street, Suite 1200
Chicago, IL 60606
312-894-7351